

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<b>TONY DEWYANE MOORE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Civil Action No. 3:05-CV-1145-T</b>
	)	
<b>KATHY DUBOISE, et.al</b>	)	
	)	
<b>Defendant.</b>	)	

**ANSWER OF DEFENDANTS CATHY DUBOSE, JAIL ADMINISTRATOR BLAKE  
JENNINGS, AND SHERIFF JIMMY ABBETT**

COME NOW Registered Nurse Cathy DuBose, incorrectly designated in the Complaint as Kathy Duboise, Jail Administrator Blake Jennings, and Sheriff Jimmy Abbett, Defendants in the above-styled cause, and answer the Plaintiff's Complaint as follows:

**Answer**

The Defendants in this action deny each and every allegation made by the Plaintiff, Tony Dewyane Moore, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

**Affirmative Defenses**

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

4. Defendants in their official capacities are not “persons” under 42 U.S.C. § 1983.
  5. The Plaintiff’s claims are barred by the Prison Litigation Reform Act.
  6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants’ direct participation in any alleged constitutional violation.
  7. Defendants are not liable based upon *respondeat superior* theories of liability.
  8. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.
  9. Defendants were not deliberately indifferent in any respect.
  10. Plaintiff’s claims for injunctive relief are moot.
- Respectfully submitted this 20th day of January, 2006.

**s/Amanda Kay Morgan**

GARY L. WILLFORD, JR. Bar Number: WIL198

AMANDA KAY MORGAN Bar No. ALL079

Attorneys for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20th day of January, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Tony Dewyane Moore  
Tallapoosa County Jail  
316 Industrial Park Drive  
Dadeville, AL 36853

**s/Amanda Kay Morgan**  
OF COUNSEL